

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are currently pending. Claims 1, 5, 6, and 10 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-3, 5-8, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0028867 Kryloff et al. (hereinafter “the ‘867 application”); and Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘867 application in view of U.S. Patent No. 6,223,026 to Martschitsch et al. (hereinafter “the ‘026 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on April 16, 2008, at which time a proposed amendment to the claims was discussed. At the conclusion of the interview, the Examiner indicated that the proposed amendment would likely overcome the outstanding rejection of the claims.

Amended Claim 1 is directed to an information management apparatus, comprising:
(1) a communication section configured to transmit/receive data through a wireless or wired transmission path; (2) a data processing section configured to process the data transmitted/received by the communication section; (3) a memory space in which a file processed by the data processing section is arranged; and (4) archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination

terminal specified by the identification information. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

The '867 application is directed to a system for generating a patch file from an old version of data and a new version of data, both of which consist of a series of elements. As shown in Figure 3, the '867 application discloses that the old version of data is sorted alphabetically and the new version of data is sorted alphabetically to create respective lists of sorted data. Further, the '867 application discloses that the two lists are recursively compared to search for a match for the data. In this manner, the '867 application discloses that a patch file is created and that several patch files may be aggregated into a secure portable compressed "archive" to decrease the storage and transfer requirements of the patch file. As noted on page 6 of the outstanding Office Action, paragraph [0023] of the published '867 application discloses that "the portable archive includes features to detect the presence of the files to be patched on a target system and then applies the sequence of patches automatically. In other words, the invention provides a self-extracting .ZIP file with intelligence to determine if a patch is necessary and how the patch should be implemented."²

However, Applicants respectfully submit that the '867 application fails to disclose archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information as recited in Claim 1. Moreover, Applicants respectfully submit that the '867 application fails to disclose the creating of an archive file for at least one file to be backed up. Rather, the '867 application is directed to sending patches for files to be corrected.

¹ See, e.g., the Abstract.

² See paragraph [0023] of the '867 application.

Regarding the identification information of a destination terminal recited in Claim 1, Applicants note that the Office Action asserts that the '867 application inherently teaches this limitation based upon the disclosure in paragraph [0022]-[0024] of the '867 application.³ However, Applicants respectfully disagree with this assertion. Initially, Applicants note that the '867 application does not explicitly disclose that any identification information of a destination terminal is attached to an archive file. In particular, Applicants note that the '867 application discloses the sending of a patch file, not an archive file for a file to be backed up. The patch file disclosed by the '867 application contains instructions for updating an old file, and is not a file to be backed up, as required by Claim 1. Moreover, as stated above, the '867 application does not explicitly disclose that any identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file, as required by Claim 1. Moreover, the Office Action has not provided any evidence as to why the claimed identification information would be "necessarily present" in the teachings of the '867 application. For example, Applicants note that the '867 application discloses that the .ZIP patch file is self-extracting and is decompressed automatically when received. Alternatively, the patch file could be decompressed only when a user selects it. Thus, Applicants respectfully submit that it is not inherent that in the '867 system that the archive file can be decompressed only at the destination terminal specified by identification information attached to the archive file, as asserted by the Office Action. In fact, the '867 application discloses other methods of decompressing the patch file.

For the reasons stated above, Applicants respectfully submit that amended Claim 1 patentably defines over the '867 application.

Independent Claim 6 is directed to an information management method that includes the step of creating an archive file for at least one file to be backed up, identification

³ See page 6 of the outstanding Office Action.

information of a destination terminal which the archive file is to be decompressed being attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information. Accordingly, for the reasons stated above, Applicants respectfully submit that independent Claim 6 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 6.

Regarding the rejection of dependent Claims 4 and 9 under 35 U.S.C. § 103, Applicants respectfully submit that the '026 patent fails to remedy the deficiencies of the '867 application, as discussed above. Accordingly, Applicants respectfully submit that the rejections of Claims 4 and 9 are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1 and 6 (and all associated dependent claims) patentably define over any proper combination of the '867 application and the '026 patent.

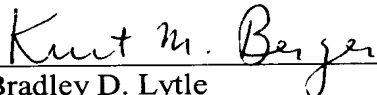
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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